

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
January 8, 2003

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., January 8, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman; Andy Kunasek, Vice Chairman (entered late), Don Stapley, Max W. Wilson, and Mary Rose Wilcox. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; Sandi Wilson, Deputy County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Bill Scalzo, Chief Community Services Officer, delivered the invocation.

PLEDGE OF ALLEGIANCE

Michelle Beasley, Clerk of the Board's Office, led the assemblage in the Pledge of Allegiance.

~ Supervisor Kunasek entered the meeting ~

PET OF THE MONTH

The "Pet of the Month" from Maricopa County Animal Care & Control, was an Australian Shepherd mix, male eight-week-old puppy. He will be available for adoption this afternoon at the 35th Avenue Animal Shelter.

BID OPENING

This was the time scheduled to open bids for the 20th Street Improvement District. Clerk of the Board, Fran McCarroll, opened one sealed bid; it was for \$150,890 from Jay Bienicki Construction Incorporated. It was the only bid received. Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to turn the bid over to the Superintendent of Streets to make the award. (This is Addendum item No.1) (C6402292701)

ZONING CODE VIOLATION CASE OF DONALD HUTMAN - CONTINUED

This is the time scheduled for oral arguments in the review of Hearing Officer's Order of Judgement in the zoning code violation case of Donald Hutman, 34515 West Baseline Road, Parcel No. 401-42-010F (west half), Case No. V2001-0718. (Continued from meeting of September 18, 2002.) (ADM3417-12)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this item to the January 22, 2002, meeting.

ZONING CODE VIOLATION CASE OF LEO R. LEROY - CONTINUED

This is the time scheduled for oral arguments in the review of Hearing Officer's Order of Judgement in the zoning code violation case of Leo R. Leroy, 34515 West Baseline Road, Parcel No. 401-42-010F (east half), Case No. V2001-0041. (Continued from meeting of September 18, 2002.) (ADM3417-13)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to continue this item to the January 22, 2002, meeting.

ZONING CODE VIOLATION CASE OF BONNIE WILT

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This is the time scheduled for oral arguments in the review of Hearing Officer's Order of Judgement in the zoning code violation case of Bonnie Wilt (in the Buckeye area), Case No. V2002-00062. (Continued from meeting of October 2, 2002.) (ADM3417-14)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to forgive the fine and vacate this case since Ms. Wilt has brought the property into compliance as promised.

ZONING CODE VIOLATION CASE OF CHARLOTTE NEWTON - CONTINUED

This is the time scheduled for oral arguments in the review of Hearing Officer's Order of Judgement in the zoning code violation case of Charlotte Newton (in the Tonopah area), Case No. V2000-01027. (Continued from meeting of November 6, 2002.) (ADM3417-15)

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item to the March 19, 2003, meeting.

ZONING CODE VIOLATION CASE OF RAY AND JOYCE ROSS - CONTINUED

This is the time scheduled for oral arguments in the review of Hearing Officer's Order of Judgement in the zoning code violation case of Ray and Joyce Ross, Case No. V2001-00004. (ADM3417-16)

Joy Rich, Director of Planning and Development, reported that this is a fee reduction, or forgiveness, request from the Hearing Officer's Order of Judgement of a fine of \$300 non-compliance plus \$30 per diem. She said that the property has been cleaned up and is in compliance. Fines had accrued to the amount of \$15,720 and it has been requested that it be reduced to \$750. The Hearing Officer did not reduce the judgment. No one was present to represent Mr. and Mrs. Ross and Ms. Rich requested a continuance so the applicant could state his reason for requesting forgiveness of the fines.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this item for two weeks to the January 22, 2003, meeting.

LIQUOR LICENSES

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications:

Application filed by Su Y Huang for an Original, Series 12 Liquor License: (LL6075)

Business Name: Peking Gourmet
Location: 13577 Camino del Sol, Sun City West

Application filed by William Charles Faulwetter for a Special Event Liquor License: (F23105)

Business Name: Knights of Columbus
Location: Church Hall, 9728 Palmeras Drive, Sun City
Date and Time: Saturday, February 15, 2003; 4:00 p.m. – 11:30 p.m.

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Application filed by Emmett J. FitzPatrick for a Special Event Liquor License: (F23105)

Business Name: St. Stevens Catholic Church
Location: 24827 South Dobson Road, Sun Lakes
Date and Time: Friday, March 14, 2003, 4:30 p.m. – 10:30 p.m.

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Chairman Brock voting "no."

CRITICAL MARKET SALARY INCREASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a critical market salary increases from the Assessor's Office, as follows: (ADM3321)

- a) GIS Manager position, retroactive to September 2, 2002, (\$31.45 to \$36.26 per hour). This increase is budgeted. Approval will allow the Assessor's Office to retain a critical employee in a position, which requires a highly technically skilled GIS professional with strong managerial skills. While not an appraisal position, this person must have a strong understanding of the ad-valorem appraisal environment, construction permit processing, and sub-division platting. Because of the demanding qualities required for this position, a very limited pool of qualified applicants would be available. The duties of the GIS Manager are integral to the continuation of successful growth in efficiency and quality customer service within the Assessor's Office. (C1203001M)
- b) Two appraiser positions, one position is retroactive to July 8, 2002, (\$12.30 to \$12.92 per hour) and the other is retroactive to September 2, 2002 (\$12.45 to \$13.08 per hour). These increases are budgeted. Approval will allow the Assessor's Office to retain critical employees and avoid having an adverse effect on the Assessor's Office's ability to gather accurate property assessment information which is directly related to generating revenue. (C1203002M)
- c) Appraisal positions, retroactive to November 25, 2002 (see below). These increases are budgeted. Approval will allow the Assessor's Office to retain critical employees and avoid having an adverse effect on the Assessor's Office's ability to gather accurate property assessment information which is directly related to generating revenue. (C1203003M)
 - Two Appraiser II positions from \$12.45 to \$13.07 per hour
 - Four Appraiser III positions from \$12.82 to \$14.44 per hour
 - One Appraiser III position from \$13.13 to \$14.44 per hour
 - Five Appraiser III positions from \$13.14 to \$14.44 per hour
 - One Appraiser III position from \$13.47 to \$14.44 per hour
 - One Appraiser III position from \$13.65 to \$14.44 per hour
 - Two Appraiser III positions from \$13.81 to \$14.50 per hour
 - One Appraiser III position from \$14.70 to \$15.44 per hour

FILING NOTICE OF APPEAL

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Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize filing a Notice of Appeal and taking all appropriate actions to prosecute the appeal in Scottsdale Memorial Health Systems, Inc., v. Maricopa County, Maricopa County Superior Court Cycle Two: NO. CV 1997-021512 Cycle Three: NO. CV 1998-00759 (and associated cases). (Discussed in Executive Session on December 16, 2002.) (C1903031M) (ADM413)

SALARY ADVANCEMENTS

Item: Approve a 5% salary advancement for 41 employees in the County Attorney's Office who were hired at "entry level" who have successfully completed probation between July 1, 2002 and January 6, 2003, and authorize a 5% salary advancement for the balance of employees anticipated to successfully complete probation prior to the end of the fiscal year. After consultation and in accord with the Human Resources Department and the Office of Management and Budget, the County Attorney's Office has been providing probationary increases for eligible employees since 1998. Employees hired at "entry" level are informed at the time of hiring that they will receive a 5% end of probation salary increase upon successful completion of probation. Failure to approve these salary increases will result in salary inequities and may pose a potential liability due to the implied contract given. End of probation salary advancements enhance the County Attorney's Office ability to retain trained and qualified employees so that they may prosecute cases or provide legal counsel to county departments. Funds were approved and currently exist in the County Attorney's FY 2002-2003. No additional general fund appropriation is necessary. The Office of Management and Budget (OMB) does not recommend approval of this agenda item. The County Attorney has submitted a series of Critical Salary Increase Freeze Exemption Requests in accordance with the Interim Salary Advancement Policy established by the Board of Supervisors on June 26, 2002. OMB has determined that such salary advancement requests are not of a critical enough nature to warrant an exemption from the Board's policy. The County Attorney is exercising the department's authority to proceed with the request directly to the Board of Supervisors without the recommendation of OMB. (C19030328) (ADM400-001)

Supervisor Kunasek asked for clarification on a cut-off date for these promised raises and was told that it would be the end of this fiscal year for employees who had been promised such an increase.

Chairman Brock explained that additional occurrences of this type are expected and that the Board had decided several months ago to sustain employee healthcare costs at the same level for the next fiscal year as additional compensation for all employees who will be caught in the "salary crunch" of the budget crisis.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the salary advancements as outlined above.

INCREASE IN REVENUE AND EXPENDITURE BUDGET OF THE FILL THE GAP FUND

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an increase in the revenue and expenditure budget of the Fill the Gap Fund of \$397,784, from \$442,216 to \$840,000 for FY 2002-2003. These non-local grant funds enhance efforts to prosecute crimes. Fill the Gap court fine collections from the Superior Court of Arizona were previously budgeted at \$442,216 for FY 2002-2003. By approving this item, the Board will be authorizing an increase in the revenue and expenditure appropriation authority for the Fill the Gap Fund by \$397,784. Grant Revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the

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budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105." (C19030338)

DONATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept a \$1,000 donation to the MCSO Animal Safe Hospice (MASH) Unit from Richard and Marilyn Pauwels for the purpose of enhancing current operations including helping offset veterinary costs and equipment needs. (C5003048M) (ADM3900)

SHERIFF'S OFFICE BOATHOUSE GRANT MATCH

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reserving an amount not-to-exceed \$25,316 in General Government, Appropriated Fund Balance Contingency for the Sheriff's Office Boathouse Grant Match in the event that at year end, the portion of the soft match related to professional fees associated with the construction of boathouses at Canyon and Saguaro Lakes can not be supported within the normal budget. (C50035293) (ADM3900)

**GRANT FUNDING FROM COMMUNITY ORIENTED POLICING SERVICES (COPS)
METHAMPHETAMINE DRUG ENDANGERED CHILDREN PILOT PROJECT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the application for and acceptance of up to \$250,000 in grant funding from the Community Oriented Policing Services (COPS), Methamphetamine Drug Endangered Children Pilot Project. The Sheriff's Office would be the administrating agency for these funds, with \$76,250 being allocated to other agencies and \$75,000 being allocated to equipment. (C50035323)

SPECIAL ACTION TO BE FILED IN APPELLATE COURT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize filing a special action with the Arizona Court of Appeals or taking other appellate relief that may be appropriate in the matter of State v. Paxson (Superior Court, Maricopa County CR 1999-001867). The issue to be appealed is the trial court's determination that Maricopa County is obligated to pay the cost of the criminal defendant's expert witness fees although the defendant has retained private counsel. This is the same issue discussed in executive session on December 2, 2002 in another case (Jacobsen v. Anderson) in which the Board subsequently (at its December 4, 2002 formal meeting) authorized filing a petition for review with the Arizona Supreme Court. That matter remains pending. (This is Addendum item No. 2.) (C1903035M) (ADM413)

PERSONNEL AGENDA

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Personnel Agenda (Judicial Branch and Maricopa County), as corrected by the Clerk of the Board, Fran McCarroll, with the deletion of two names in the Housing Department (Dennis Belter and Christian Bonner) as recommended by Human Resources for further consideration. (List on file in the Clerk of the Board's Office.)

FUND TRANSFERS

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SOLICITATION SERIALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials:

- 02114-S PARKING LOT LIGHT SERVICE (\$150,000 est/three (3) years w/two (2) one year renewal options).**
Pricing agreement for parking lot light services for FMD and MCDOT.
- DECA Southwest Lighting & Electrical Maintenance
- 02116-C EQUIPMENT, MAINTENANCE, RECONDITIONING, & REPAIR SERVICES (\$250,000 est/two (2) years w/three (3) one year renewal options).**
Pricing agreement to purchase forklift and pallet jack parts, supplies accessories and service for use by Equipment Services, Sheriff and other county agencies.
- Naumann/Hobbs Material Handling

Sole Source Procurement:

Approve sole source procurement to Motorola for radio equipment, including hardware, firmware, and software, for expansion of the County's SmartZone® 800 MHz public safety radio system. This system provides two-way radio communications for Maricopa County Sheriff's Office and other County departments as well as the cities of Scottsdale, Surprise, Fountain Hills, and Paradise Valley. The system is compliant with APCO Project 16 technical standards; the Motorola SmartZone® Controller and all related system and radio software are proprietary to Motorola. SmartZone® equipment requires service including 24/7 telephone support via Motorola's System Support Center as well as on-site support by trained Motorola technicians. This sole source procurement was advertised in accordance with the County's sole source procurement procedures and expenditures will be subject to departmental funding. (C73030101)

Contract Extension:

It is recommended that the Board of Supervisors approve the extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until March 31, 2005

- 99219-SC GUARDRAIL SERVICES (\$1,200,000 est/two (2) years).**

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Pricing agreement renewal to provide for maintenance, repair and installation of guardrails on county maintained highways on an as required basis.

- Arizona Highway Safety Specialists Inc.

Increase in the contract amount for the following contract(s). This request is due to an increased usage by County departments.

00074-SC CLASSIFIED AND DISPLAY ADVERTISING

Increase the value of this price agreement from \$2,099,000 to \$2,724,000. This \$625,000 increase, through the June 30, 2003, contract term, is the result of an underestimation of expenditures by both the Human Resources (\$525,000) and Sheriff's Departments (\$100,000). All unit pricing remains the same. In addition, in accordance with section 1.3 of the agreement, it is recommended that JOBBING.com be added to the list of qualified advertisers to advertise job postings on the Internet for various departments as requested by Human Resources. This agreement was initially awarded by the Board on May 18, 2000, in the amount of \$2,000,000 and later was amended by the Materials Management Director to \$2,099,000 on January 11, 2002.

02037-C BUILDERS SUPPLIES, HARDWARE AND RELATED ITEMS

Increase the value of this price agreement from \$510,000 to \$992,000. This \$482,000 increase, through the August 31, 2004, contract term, is the result of the consolidation of the requirements of three pricing agreements and the transfer of these funds into this agreement. The Materials Management Director canceled serials 00037, 00035 and 99028 on December 5, 2002.

Intergovernmental Cooperative Purchasing Agreement:

Execution of an Intergovernmental Cooperative Purchasing Agreement with Osborn School District No. 8. (C73030112)

RENEWAL OF KENNEL PERMITS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of January 8, 2003, through January 7, 2004. (C7903028C) (ADM2304)

- Marianne & John Jackson, dba Smok'n Lad Mastiffs, 11401 West Winslow Ave., Tolleson, Permit No. 303
- Sandra Gray, dba Gray Kennels, 348 South 40th Street, Phoenix, Permit No. 273
- Ernest Fausnett, dba E.J. Kennels, 47 South 113th Way, Apache Junction, Permit NO. 284
- Connie Sparks, dba Canine Compassionate Care Connection 5730 West Butler Drive, Chandler, Permit No. 354

RENEWAL OF KENNEL PERMITS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of January 8, 2003, through January 7, 2004. (C7903029C) (ADM2304)

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- Victor Dad, dba Victor Dad Kennels, 6102 West Dobbins Road, Laveen, Permit No. 263
- Tiffany Stone, dba Stone's Kennels, 415 South 367th Avenue, Tonopah, Permit No. 351
- Alan Michalet, dba Michalet Kennels, 13001 South Val Vista Road, Gilbert, Permit No. 022

RENEWAL OF KENNEL PERMIT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following kennel permit renewal for Jim and Jackie Lawrence, dba Desperado Hounds, 15638 East Melrose Street, Gilbert, Permit No. 290 for the term of January 8, 2003, through January 7, 2004. (C7903030C) (ADM2304)

KENNEL PERMIT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the issuance of a kennel permit for Jane Estabrook, dba Desert Sky Cavaliers, 8631 East Via Del Sol, Scottsdale, for the term of January 8, 2003, through January 7, 2004. (C7903031C) (ADM2304)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH SCOTTSDALE UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 1 to the Intergovernmental Agreement (IGA) with the Scottsdale Unified School District for the provision of food catering services to participants in Maricopa County Head Start. The amendment is necessary to accommodate increased enrollment and the number of classrooms served in the Scottsdale Unified School District. This amendment increases the IGA total cost by \$21,318 (from \$55,412 to \$76,730). The IGA requires the Scottsdale Unified School District to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service. The Arizona Department of Education, Child Adult Care Food Program, School Breakfast Program, the National School Lunch Program, and the U.S. Department of Health and Human Services provide funding for the IGA. The amendment is effective upon approval by the Board of Supervisors and the IGA terminates on September 30, 2003. This agreement does not include any County General Funds. (C2203009201)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH MESA UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 1 to the Intergovernmental Agreement (IGA), with Mesa Unified School District for the provision of food catering services to participants in Maricopa County Head Start. The amendment is necessary to accommodate increased enrollment and the number of classrooms served in the Mesa Unified School District. This amendment increases the IGA total cost from \$342,944 to \$453,187. The IGA requires the Mesa Unified School District to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service. The Arizona Department of Education, Child Adult Care Food Program, School Breakfast Program, the National School Lunch Program, and the U.S. Department of Health and Human Services provide funding for the IGA. The amendment is effective upon approval by the Board of Supervisors and the IGA terminates on September 30, 2003. This agreement does not include any County General Funds. (C2203012201)

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APPLICATIONS FOR CONTINUATION OF MARICOPA COUNTY'S HEAD START AND EARLY HEAD START PROGRAMS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the Human Services Department to submit applications for the continuation of Maricopa County's Head Start and Early Head Start programs, and authorize the Chairman to approve the receipt of any and all such funds awarded. Additional information regarding the programs and the funds that support them are provided in the Notices of Intent to Apply for Outside Funding. These services are designed to help individuals, children, and families enhance their economic, social, and physical well being. The total amount of Federal funds requested will not exceed \$25,869,000. The term of the programs will be July 1, 2003 – June 30, 2004, unless otherwise noted on the attachments. (C22040013LI)

AMENDMENTS TO CONTRACTS FOR WELL WOMEN HEALTH CHECK SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following amendments to contracts for well women health check services to uninsured or underinsured women.

- a) Banner Health System dba Good Samaritan Regional Medical Center. The amendment increases the contract dollar amount by \$31,431. Total funding for the contract term ending December 31, 2002, will increase from \$63,443 to \$94,874. All other terms and conditions remain unchanged. (C8602060101)
- b) Arizona Board of Regents, for an on behalf of Arizona State University (ASU) and ASU's Community Health Services. The amendment increases the contract dollar amount by \$10,877. Total funding for the contract term ending December 31, 2002, will increase from \$42,296 to \$53,173. All other terms and conditions remain unchanged. (C8602062101)
- c) Catholic Healthcare West II dba St. Joseph's Hospital & Medical Center. The amendment decreases the contract dollar amount by \$3,555. Total funding for the contract term ending December 31, 2002, will decrease from \$63,443 to \$59,888. All other terms and conditions remain unchanged. (C8602063101)
- d) Mountain Park Health Center. The amendment decreases the contract dollar amount by \$4,344. Total funding for the contract term ending December 31, 2002, will decrease from \$42,296 to \$37,952. All other terms and conditions remain unchanged. (C8602065101)

CORRECTION TO ACTION TAKEN ON FEBRUARY 20, 2002, REGARDING CONTRACT WITH PHOENIX SHANTI GROUP, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to correct action taken by the Board of Supervisors on February 20, 2002, regarding Contract No. C86026041 with the Phoenix Shanti Group, Inc., for the provision of HIV wellness services. The original agenda incorrectly identified the contract amount as not-to-exceed \$90,044. Total funding for this contract, as enumerated on the contract cover page, is \$92,432. (C8602604101)

GRANTS AND CONTRACTS (49) FOR CALENDAR YEAR 2003 AND FY 2003-2004

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the Department of Public Health to apply for 49 grants and contracts for calendar year 2003 and FY 2003-2004, and to receive any and all such funds awarded. All programs protect and promote the health and well being of Maricopa County residents, and several are operated pursuant to statutory mandate. Approval of this Consolidated Letter of Intent will authorize the Chairman to sign all applications, contracts, intergovernmental agreements and any subsequent administrative amendments related to these grants/contracts. All grants listed are cost-reimbursement, with the exception of the Ryan White Title I grant, which is administered on an advanced payment system. The Department estimates total grant funding not-to-exceed \$36,693,293. (C86030353LI)

WAIVER TO MARICOPA COUNTY LEAVE PLAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a waiver of the Maricopa County Leave Plan, Section V. (A), authorizing Celeste Bautista to carryover personal leave hours in excess of 240 hours from calendar year 2002 to calendar year 2003, to be expended by the pay period ending April 27, 2003. As a result of the advancement of the budget process by 30 days and the fact that the department's finance manager is retiring, Ms. Bautista is unable to utilize her personal leave before the cutoff date. (C8603102M) (ADM3320)

DONATION AND ADJUSTMENT TO FY 2003 REVENUE AND EXPENDITURE BUDGET

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept a donation of \$5,000 from Pictsweet Frozen Foods for use in the Maricopa County Department of Public Health's (MCDPH) Office of Nutrition Services. Also approve a corresponding \$5,000 adjustment to the Department of Public Health's FY 2003 revenue and expenditure budget. (C8603103M) (ADM2150)

INTERGOVERNMENTAL AGREEMENTS FOR SCHOOL-BASED TOBACCO USE PREVENTION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following intergovernmental agreements to provide school-based tobacco use prevention and education services.

- a) Paloma School District for a term from November 20, 2002, to June 30, 2003, contract dollar amount not-to-exceed \$2,000. (C86032132)
- b) Gila Bend Unified School District for a term from November 20, 2002, to June 30, 2003, contract dollar amount not-to-exceed \$2,000. (C86032192)
- c) Balsz School District for a term from December 18, 2002, to June 30, 2003, contract dollar amount not-to-exceed \$8,000. (C86032282)
- d) Morristown Elementary School District for a term from December 18, 2002, to June 30, 2003, contract dollar amount not-to-exceed \$2,000. (C86032292)

AMEND ITEM APPROVED ON NOVEMBER 20, 2002, REGARDING CONTRACT WITH THE ORCUTT/WINSLOW PARTNERSHIP OF PHOENIX

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Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to amend Agenda Item C40030065 approved by the Board of Supervisors on November 20, 2002, to approve and authorize the execution of Contract CFD 02-03, with The Orcutt/Winslow Partnership of Phoenix, Arizona, in substantially the form attached when approved by County Counsel, in the amount of \$757,406. The amended amount should be a base contract value of \$757,000 plus allowances totaling \$31,000, for a total contract value of \$788,000. This contract is to provide Public Health Clinic and Environmental Services Facility Architectural Design Services. The contract is scheduled to take six months for design services. (C4003006501)

MARICOPA COUNTY/PINAL COUNTY LOCAL AREA PLAN FOR EMERGENCY ALERT SYSTEM (EAS)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Maricopa County/Pinal County Local Area plan for the Emergency Alert System (EAS). The Chairman of the Board of Supervisors will sign the plan for Maricopa County; other signatories are the Chairman of the Pinal County Board of Supervisors, the National Weather Service, the three local primary radio stations, and the co-chairmen of the Arizona SEC. The plan will be valid until superseded by an updated version. There is no cost to the county, and no revenue will be generated. (C15030060) (ADM903)

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

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| A095.015
(AC) | Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 200-08-019T - Eva Markham - for the sum of \$5,630.00. |
| A095.015
(AC) | Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 200-08-019T - Eva Markham. |
| A095.018
(AC) | Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 200-08-019Z - Randolph C. Davis and Sandra F. Davis - for the sum of \$4,913.00. |
| A095.018
(AC) | Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 200-08-019Z - Randolph C. Davis and Sandra F. Davis. |
| A095.025
(AC) | Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 200-08-214B - Luis Carrillo and Yvonne Carrillo - for the sum of \$3,130.00. |
| A095.025
(AC) | Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 200-08-214B - Luis Carrillo and Yvonne Carrillo. |
| A160.001-2
(AC) | Project No: 69010 - Jensen Street (Crismon Road - Signal Butte Road) - Drainage Easement - Parcel No. 220-03-007 - Kimberly Saad and Roger Saad - for the sum of \$1,270.00. |

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- A241.002 (AC) Project No: 69010 - 105th Street (Jensen Road - McKellips Road) – Easement and Agreement for Highway Purposes - Parcel No. 220-03-004A - Mark G. Trainor and Tanya Trainor - for the sum of \$7,876.00.
- A241.002 (AC) Project No: 69010 - 105th Street (Jensen Road - McKellips Road) - Purchase Agreement and Escrow Instructions - Parcel No. 220-03-004A - Mark G. Trainor and Tanya Trainor.
- A241.003 (AC) Project No: 69010 – 105th Street (Jensen Road - McKellips Road) – Easement and Agreement for Highway Purposes - Parcel No. 220-03-004B - Perry John Teeters - for the sum of \$7,103.00.
- A241.003 (AC) Project No: 69010 - 105th Street (Jensen Road - McKellips Road) - Purchase Agreement and Escrow Instructions - Parcel No. 220-03-004B - Perry John Teeters.
- DD-9397 (TS) R/W Dedication – Warranty Deed - Parcel No. 210-12-018D – Corneliu Boici and Estera Boici, as Co-Trustees - for the sum of \$10.00.
- DD-9397 (TS) R/W Dedication – Purchase Agreement and Escrow Instructions - Parcel No. 210-12-018D - Corneliu Boici and Estera Boici, as Co-Trustees.

TRAFFIC CONTROLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following traffic controls: (F23107)

ONE WAY STOP FOR SOUTHBOUND TRAFFIC on 331st Avenue at Arlington Canal Road.
(C64031435)

REIMBURSEMENT TO SALT RIVER PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a reimbursement to Salt River Project (SRP) for a final payment in the amount \$830, under McDOT Project Number 68914, Baseline Road from 7th Avenue to 43rd Avenue (BBFA). The original agenda, which was approved on December 20, 2002, provided for reimbursement to SRP an amount not-to-exceed the estimated amount of \$780,000 by not more than 10%= \$858,000, for work as described: Salt River Project relocation includes 69kv and 12kv overhead power poles on the north side of Baseline from 7th Avenue to 43rd Avenue due to the MCDOT widening/paving project Number 68914. SRP facilities are in conflict with the new SRP irrigation facilities being caused to relocate due to roadway widening. Prior rights documentation supplied by SRP have been verified. (C6401161101) (ADM2000-006)

RESOLUTION - SELL EXCESS REAL ESTATE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt a resolution authorizing Maricopa County Department of Transportation to sell excess real estate acquired for roadway purposes when the value is \$250,000 or less; negotiate short term leases of real estate being held for roadway purposes and sell excavated dirt, vegetation and other natural resources created when clearing real estate to build roads, and execute documents related to such sales. Such resolution also authorizes that when Board of Supervisors action is required the items will be brought to the Board on the right-of-way agenda so as to speed the process. (C64030066) (ADM812)

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RESOLUTION

**STANDARDIZING OF PROPERTY MANAGEMENT PRACTICES
FOR PUBLIC WORKS DIVISION**

WHEREAS, the Maricopa County Department of transportation Right-of-Way Division (MCDOT) and the Maricopa County Flood Control District, Lands Division (FCD) are collaborating to manage the real estate needs of both divisions by the joint use of personnel and resources, and

WHEREAS, the FCD has previously adopted procedures and been delegated authority by its Board of Directors, which procedures and authority if adopted and granted to MCDOT would help standardize management of MCDOT real estate, and

WHEREAS, such standardization would be prudent and economically beneficial to the County.

NOW, THEREFORE, BE IT RESOLVED that the Department Director of MCDOT or designee is authorized to dispose of excavated dirt, vegetation and other natural resources generated in the necessary denuding of real estate in preparation of road building projects, including signing bills of sale and other transfer documents, provided that the sale price for such materials does not exceed FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS, and such disposal is done in accordance with the law relating to the disposal of surplus County property.

BE IT FURTHER RESOLVED that the Department Director of MCDOT or designee is hereby authorized to advertise and sell in conformance with the law, parcels of excess real estate provided that the value of each such parcel to be sold is less than TWO HUNDRED AND FIFTY THOUSAND AND NO/100 (\$250,000.00) DOLLARS.

BE IT FURTHER RESOLVED that the Department Director of MCDOT or designee is authorized to secure short term leases for parcels of real estate that have been acquired for roadway construction but are not yet needed, such leases to be secured in accordance with the law relating to the leasing of county property.

BE IT FURTHER RESOLVED so as to create further effectiveness in executing the foregoing matters that any necessity for action by the Board of Supervisors of Maricopa County shall be brought forward to the Board by placing such item on the Right-of-Way Agenda in lieu of creating separate agenda items for each such action.

DATED this 8th day of January 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

WARRANTY DEED TO SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT

Item: Approve warranty deed from Maricopa County, a political subdivision of the State of Arizona, to Salt River Project Agricultural Improvement and Power District (SRP). Said warranty deed describes a parcel of land being 50' x 50' in dimension and 0.0631 acres in size; under project number 68943 – 51st Avenue -Broadway to Baseline. (C64031365) (ADM2000)

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Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) on a roll call vote, with Supervisors Wilson, Stapley, Kunasek, Wilcox and Brock voting "aye" to approve this SRP warranty deed.

MARICOPA INTEGRATED HEALTH SYSTEM PERSONNEL AGENDA

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

RESIGNATION AND APPOINTMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the resignation of Carole Hubbs effective December 31, 2002, and appoint Robert Jones to the Planning and Zoning Commission, representing District 4, beginning January 1, 2003. The remaining term of the appointment will expire on January 31, 2006. (C04030047) (ADM3415)

PUBLIC HEARING SET – ANNEXING/DEANNEXING

Pursuant to A.R.S. §9-471.02, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, February 5, 2003, regarding ordinances filed by the Cities of Scottsdale and Phoenix deannexing and annexing certain territory within their present corporate limits. The City of Scottsdale will deannex and the City of Phoenix will annex a portion of 64th Street right-of-way, roughly on the east half of 64th Street from Camelback Road to the Arizona Canal. (ADM4213)

PUBLIC HEARING SET – ENVIRONMENTAL SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., February 19, 2003, to review and approve proposed revisions to amend the Temporary Food Service Establishment Permit fee in Chapter I of the Maricopa County Environmental Health Code. A \$20 fee increase is proposed for Temporary Food Service Establishments that do not submit an application at least 7 days prior to the event. This fee increase is necessary to recover costs for services. (C88030277) (ADM2102)

PUBLIC HEARING SET - ROAD FILE DECLARATIONS

Petitions have been filed for declaration of the following roads into the County highway system. Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, February 5, 2003:

Road File A211: General vicinity of Hyder Road from westerly boundary of Maricopa County to 555th Avenue. (C64031375)

Road File A297: General vicinity of Thomas Road from Cotton Lane to Loop 303 (Estrella Parkway). (C64031385)

PLANNING CASES

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None to report at this time.

PRECINCT COMMITTEEMEN

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. (ADM1701)

DISMISS WITH PREJUDICE A PETITION TO REMOVE COMMISSIONER FOR CAUSE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the recommendation of the hearing officer and dismiss with prejudice the Petition to Remove Commissioner for Cause dated August 15, 2001.

SECURED TAX ROLLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve requests from the Assessor for corrections to the Secured Tax Rolls. (ADM705)

Tax Roll	From	To	Net Result
2001	34611	34660	-\$69,976.60

OFFICIAL APPOINTMENTS - CLERK OF THE SUPERIOR COURT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the Official Appointments and Oaths of Office of Lillie Vital, Lydia Cortez, Karen Brittingham, and Cynthia Clark, as special deputy clerks in the Office of the Clerk of the Superior Court.

CANVASS OF ELECTIONS SUBMITTED BY SPECIAL DISTRICTS

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the canvasses of elections submitted by special districts listed below, and on file in the Office of the Clerk of the Board.

Aguila Irrigation District (ADM4312)
Sun City Fire District (ADM4414)

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

Name	Warrant	Fund	Amount
Dennis L. Lopez & Assc.	330526554	Expense	\$800.00
Edward Hedrick Jr.	C028460	General	\$100.00
Nellie T. Larranaga	C022205	General	\$75.00

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Rachel Ochoa	330520843	Expense	\$250.00
Rachel Ochoa	330520054	Expense	\$250.00
Rachel Ochoa	330520055	Expense	\$250.00
Suzanne Richards	C016912	Payroll	\$85.00
Raymond C. Sochacki	C031370	General	\$95.00
Susan Mary Sochacki	C031371	General	\$110.00
Gary J. Tomaszewski	C034581	Payroll	\$923.99
Denise Vaishville	330516558	Expense	\$50.40
Denise Vaishville	330527759	Expense	\$204.40
Denise Vaishville	330507188	Expense	\$473.20
Denise Vaishville	330514999	Expense	\$299.60
Tasha D. Woods	C032249	Payroll	\$50.00

SCHOOL

Name	School	Warrant	Amount
Bank One Express	District #71	430057730	\$300.00
Fidencio Banuelos	Pendergast	13-77635	\$290.18
Mark Barbour/Print Museum	Fountain Hills	420108474	\$1,000.00
Michael C. Beal	Agua Fria	13-0078115	\$1,023.93
Kathryn N. Black	Mesa	73-0034326	\$269.36
Michelle Bushey	Roosevelt #66	13-0154222	\$542.17
Richard A. Caron	Mesa	730034504	\$1,960.00
Frederico Carrera	Littleton	13-0075924	\$909.03
Cigna/Susan M. Dregas	Alhambra	Various Funds	\$21,973.29
Rhonda J. Hollis	Superintendent/Schools	13-0155329	\$913.33
Tammy A. Doheny	Mesa	73-0034466	\$395.68
Charles W. Eberley	Mesa	73-0034739	\$435.37
Kelly L. Kathe	Mesa	73-33140	\$494.32
Ross M. Godinez	Pendergast	13-0077655	\$606.11
Carol Madrid	Alhambra	13-0076635	\$34.74
Leonore Mendez	Alhambra	13-70759	\$220.35
Josephine Mostero	Agua Fria #216	13-0071988	\$19.02
Contact Wireless	Phoenix #1	43-0049837	\$876.86
Kristin Vandenberg	Pendergast	13-0077739	\$1,211.49

STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Name	Amount
AZ PHA	\$50.00
Phyllis Bern	\$217.01
Harold F. Carden	\$114.89
Lisa L. Derrick	\$75.00
G. Thomas Eggebiecht	\$96.92
Bran Gilbertson/New Horizon	\$1,022.89

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David Matheson	\$2,851.89
Rosemary Palmer	\$69.24
Kathleen Remick	\$75.00
Gary Stolte	\$26.22
Robert Weaver	\$445.26

CERTIFIED TAX ROLL FOR 2003 ACCEPTED

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept Certified Tax Roll for 2003, in accordance with A.R.S. §42-15153 and A.R.S. §42-15154. Detailed information, ownership, full cash values and supporting data are contained in the files of the Assessor's Office and on magnetic tapes. (ADM703)

REDEMPTION OF WAIVERS FOR 2002 TAX YEAR

Pursuant to A.R.S. §42-11153B, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve redemption of waivers for individuals and organizations requesting exemptions for the 2002 tax year. The list is on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library, Archives, and Public Records retention schedule. (ADM721)

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the settlement of tax cases, list dated January 8, 2003. (ADM704)

2000

2001

TX 00-000684

2002

TX 01-000403

TX 01-000579

TX 01-000653

2003

ST 02-000027

ST 02-000081

TX 02-000343

2003/2004

ST 02-000049

CLASSIFICATION CHANGES

No classification changes were submitted at this time. (ADM723)

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held December 16, 2002.) (ADM407)

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Paula D. Bell	\$ 4,380.18
Suzana DeLeon	1,500.00
Teressa Hunt	5,925.00
Karl Kroner	5,170.00
Roman Loera	2,250.00
Christopher Moe	1,200.00
Kamal Mubarak	750.00
Gilberto Perez	2,946.50
Loreen Preda	2,500.00
John Vivas	300.00
Danielle Wentworth	2,125.00
Thomas Wright	25,000.00

WRITE-OFFS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the requested write-offs as payment in full for the following cases: (Discussed in Executive Session held December 16, 2002.) (ADM407)

Rebecca Lea Glenn	\$ 1,670.00
Daniel Orient	18,166.92
Salvador Romero, Sr.	4,007.08

PUBLIC COMMENT

No member of the public came forward to comment at this time. (ADM605)

SUPERVISORS' COMMENTS

Supervisor Wilcox extended wishes for a Happy New Year to all residents of the County. (ADM606)

Supervisor Wilson spoke regarding his appointment by the Chairman to the new Maricopa County Clean & Beautiful Program and explained that he wanted to alert all the Board members, all County department heads, all the mayors, all the newspapers and all residents of the County that they will be asked to participate in achieving excellent results in making Maricopa County beautiful. He asked for suggestions on logos and any other ideas to make this program a success.

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. Members, as given above, remained in session. Joy Rich, Director of Planning and Development, Darren Gerard, Principal Planner, and David Benton, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

- 1. S2002-001 District 4**
Applicant: Desert Land Engineering, Inc. on behalf of Thoroughbred Development Corp.

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Location: Southeast corner of Sarival Avenue and Northern Avenue (in the west Glendale area)
Request: Final Plat in the Rural-43 zoning district for Sarival Farms Phase 2 (approximately 21.91 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat.

- 2. S2002-019 District 2**
Applicant: L.L.M. Investment on behalf of Tonto Peaks I & II Limited Partnership
Location: Southwest corner of McDowell Road and Meridian Road (in the northeast Mesa area)
Request: Final Plat in the Rural-43 zoning district for Tonto Forest Estates (approximately 61.02 acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat.

- 3. S2002-020 District 3**
Applicant: Westranch Partners, L.L.C.
Location: Southwest corner of Mayo Boulevard and Scottsdale Road (in the City of Phoenix area)
Request: Final Plat in the C-2 C.U.P.D. zoning district for Chauncey Ranch (approximately 141.25 acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat.

- 4. S2002-056 District 4**
Applicant: RBF Consulting on behalf of Hancock Community Builders
Location: Northwest of the northwest corner of Camelback Road and Dysart Road (in the west Glendale/Litchfield Park area)
Request: Final Plat in the R1-10 R.U.P.D. zoning district for Veranda II (approximately 25.05 acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat.

- 5. S2002-062 District 3**
Applicant: DEI Professional Services, Inc. on behalf of Centex Homes
Location: Southwest side of Gavilan Peak Parkway, north of Triumph Court (in the Anthem area)
Request: Condominium Plat in the R-4 R.U.P.D. zoning district for Serenity Villas (this is a re-plat of Parcel 10 of Anthem East-Side Mixed-Use) (Approximately 14.18 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this condominium plat.

- 6. S2002-077 District 3**

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Applicant: Stanley Consultants, Inc. on behalf of Anthem Arizona, L.L.C.
Location: South of Anthem Way and east of I-17 (in the Anthem area)
Request: Re-Plat in the C-2 P.D. zoning district for Parcels 4 & 5 of Anthem East-Side Mixed-Use (Approximately 33.78 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this re-plat.

- 7. Z2002-034 District 5**
Applicant: Greg Loper, Dietz-Crane Homes for Mike and Theresa Trujillo
Location: North of the northeast corner of 35th Ave. and Southern Ave. (in the Laveen area)
Request: Rezone from Rural-43 to R1-6 R.U.P.D for Park Meadows (14.9 acres)

COMMISSION ACTION: Commissioner Harris moved to recommend approval of Z2002-034, subject to the following stipulations "a" through "m". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall be consistent with the preliminary plat entitled "Residential Unit Plan of Development Site Plan for 35th Ave. and Southern Unit II", consisting of two (2) full-size sheets, dated revised November 22, 2002, and stamped received November 27, 2002, except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled "Narrative Report for Park Meadows Unit II", consisting of eight (8) pages, dated revised November 8, 2002 and stamped received November 15, 2002, except as modified by the following stipulations.
- c. A signed and recorded pre-annexation agreement with the City of Phoenix shall be required prior to Final Plat approval.
- d. Each of the individual property owners shall be responsible for the maintenance of the landscaping located between the back of the curb and the sidewalk for that portion that is adjacent to the property owner's particular lot. This shall be included in the CC&Rs and enforced by the homeowners association.
- e. Prior to zoning clearance, dedication of additional rights-of-way to bring the total half-width dedication to 65' for 35th Avenue, unless annexed by the City of Phoenix prior to development.
- f. Prior to or concurrent with the submittal of a final plat for any portion or phase of this development, a final landscape plan is to be submitted to both MCDOT and the Planning Department for review.
- g. All interior streets within the proposed development are to be constructed to minimum County standards.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.

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- i. The applicant shall comply with all applicable federal, state and local laws regarding historic preservation and endangered species habitat loss mitigation.
- j. No front facing three-car garages will be allowed. Side turn or tandem garage designs will be allowed. Side entry garages may observe a 10' front setback. This shall be included in the CC&Rs and enforced by the homeowners association.
- k. Major changes to this RUPD Plan (the site plan and narrative report), shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors, following recommendation by staff, as well as the Planning and Zoning Commission. Minor changes to the Plan of Development may be administratively approved by the staff of the Planning and Development Department.
- l. Non-compliance with the RUPD Plan (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- m. Lot walls on corner lots may observe a five-foot (5') minimum setback.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "m."

- 8. Z2002-051 District 3**
Applicant: KDA Architecture for Stepping Stones Academy
Location: 35812 N. 7th St. – on the east side of 7th St., between Galvin St. and Cloud Rd. (in the Desert Hills area)
Request: Major Amendment to a Special Use Permit (S.U.P.) for a charter school facility in the Rural-43 zoning district for Stepping Stones Academy (4.48 acres)

COMMISSION ACTION: Commissioner Harris moved to recommend approval of Z2002-051, subject to the following stipulations "a" through "k". Commissioner Barney seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled "Stepping Stones Academy, Phase III", consisting of one (1) full-size sheet, dated September 9, 2002 and stamped received September 18, 2002, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Stepping Stones Academy Request for Permit for Addition of Multi Purpose Building", consisting of two (2) pages, undated but stamped received, April 26, 2002, except as modified by the following stipulations.
- c. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.

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- d. Applicant shall be held responsible for limiting access of the fire control lane and new parking area exclusively to staff and emergency response vehicles during normal school hours and for after school activities open the public.
- e. A suitable see-through type fence with a minimum three-foot (3') height shall be installed in such a manner as to separate and protect children from the fire lane/rear parking area and the surrounding play fields.
- f. Hours of operation shall be from 7:30 a.m. to 9:00 p.m., Monday through Friday.
- g. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- h. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
- i. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.
- j. Prior to construction all necessary water, and waste water/septic tank permits must be obtained from the Maricopa County Environmental Services Department.
- k. All stipulations of Z2000128 shall remain in effect as may be applicable.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "k."

REGULAR AGENDA DETAIL:

- 9. Z2002-076 District 1**
Applicant: Mark McGarey, Marken Telecom Services for Power Road Baptist Church
Location: 14207 S. Power Rd. – near the southeast corner of Ray Rd. and Power Rd. (in the east Gilbert/Mesa area)
- Request:** A Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1 for Tokasticks Cell Tower (0.05 acres)

COMMISSION ACTION: Commissioner Beckley moved to recommend approval of Z2002-076, subject to the following stipulations "a" through "u". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

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- a. Development and use of the site shall comply with the site plan entitled "TOKASTICKS VERIZON WIRELESS". Consisting of one (1) full-size sheet, dated and date-stamped by the registered architect September 12, 2002, and stamped received September 16, 2002, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Special Use Permit Application Narrative Report for Verizon Wireless" consisting of three pages, undated but stamped received September 16, 2002, except as modified by the following stipulations.
- c. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- e. No antenna arrays shall be greater than five feet (5') in width. Failure to comply with antenna array width shown on the approved site, both for the proposed and any future co-locators, shall constitute non-compliance with the plan of development and shall be considered a zoning code violation. Immediate removal of the offending antenna array shall then be required, and a Major Amendment shall be required before a larger antenna array would be permitted.
- f. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.
- g. The ground equipment compound shall be surrounded by a six-foot (6') high CMU wall with painted stucco finish to match the existing church building. The site will also include a clearly designated parking area as shown on the approved site plan.
- h. Driveways within the County right-of-way shall be paved.
- i. The driveway to the wireless facility and associated parking area must meet EPA requirements for dust control.
- j. Prior to zoning clearance, the property owner shall dedicate a total half-width right-of-way of 70' on Power Rd.
- k. The monopole shall be limited to a maximum of two (2) individual antenna arrays.
- l. The monopole together with all antennas and attachments will not exceed 63 feet in height as measured from base ground level.
- m. Xeriphytic landscaping shall be placed in a manner shown on the approved site plan. These landscape elements shall be arranged by a licensed Landscape Architect to

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generally act a semi-opaque visual screen particularly along the eastern edge of the walled compound.

- n. All landscaping shall be watered, maintained, and replaced if necessary for the life of the Special Use Permit.
- o. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
- p. The applicant shall submit a Status Report to the Planning and Development Department at the end of five (5) years from the date of the Special Use Permit approval by the Board of Supervisors. The purpose of the report is to determine whether the applicant has remained in compliance with the stipulations of the Special Use Permit approval.
- q. A future carrier will be allowed with a Slight Refinement to the site plan and can be administratively approved by staff of the Planning And Development Department.
- r. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance, including revocation of the Special Use Permit.
- s. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- t. Prior to zoning clearance, a recorded avigation easement shall be placed over the entire parent property at the discretion of the Williams Gateway Airport Authority. The applicant shall provide the Planning and Development Department with documentation of compliance with this stipulation.
- u. The stipulations of Z 87-155 are superceded.

Joy Rich, Director of Planning and Development, said one letter of opposition had been received subsequent to the Planning Commission meeting, which caused this item to be placed on the regular agenda, instead of the consent agenda. No other opposition has been received. The Planning Commission and staff recommend approval.

Mark McGarey, Marken Telecom Services, said the applicant is in agreement with all stipulations and offered to answer any questions.

The Chairman asked what was planned for removal of the tower should it become obsolete in the next 20 years. Ms. Rich said there was a stipulation that the applicant was responsible for removal if the tower falls into disuse.

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "u."

- 10. Z2002-093 District 4**
Applicant: Withey, Anderson and Morris, P.L.C. for Kitchell Development Company
Location: Northeast corner of Dysart Rd. and Camelback Rd. (in the west Glendale/Litchfield Park area)
Request: Plan of Development for a shopping center in the C-S zoning district for Camelback Center (20.40 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-093, subject to the following stipulations "a" through "u". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the zoning exhibit – with the cover sheet (site plan) entitled "N.E.C. Camelback Rd. and Dysart Rd. – Plan of Development for a Neighborhood Commercial Shopping Center", consisting of seven (7) full-size sheets, with the cover sheet dated revised and date-stamped by the architect September 27, 2002, and stamped received November 25, 2002, except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled "Z2002-093 - NEC of Camelback Road and Dysart Road", consisting of five pages, dated July 31, 2002, and stamped received December 25, 2002, except as modified by the following stipulations.
- c. Development of the site shall comply with the sign package consisting of ten (10) full-sized sheets, with the cover sheet entitled "Conceptual Overall Front Elevation Camelback Center Proposed Neighborhood Shopping Center," and with the cover sheet dated September 25, 2002 and stamped received November 25, 2002, except as modified by the following stipulations.
- d. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- e. Dedication of additional rights-of-way to bring the total half-width dedication to 70' for Dysart Road shall occur prior to zoning clearance.
- f. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) to ultimate width, at the discretion of MCDOT, for both Dysart Road and Camelback Road adjacent to the site.
- g. A continuous parapet shall screen all roof-mounted equipment.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.

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- i. Landscaping shall consist of native and near-native vegetation. All trees shall be double-staked when installed. Landscaping within public rights-of-way or within proximity to streets and driveways shall comply with Chapter 9 of the MCDOT Roadway Design Manual.
- j. Major changes to this Plan of Development (the site plan and narrative report) shall be process as a revised application in the same manner as the original application. With final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- k. Noncompliance with the Plan of Development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- l. All lighting shall comply with Section 1112 of the Maricopa County Zoning Ordinance.
- m. Development shall comply with the standards of the C-S Planned Shopping Center zoning district as outlined in Section 801 of the Maricopa County Zoning Ordinance, and other sections of the Maricopa County Zoning Ordinance as may be applicable. No development standards have been varied with approval of this Plan of Development.
- n. Amendments to this Plan of Development shall be subject to a revised site plan and narrative report and may be approved administratively at the discretion of staff of the Planning and Development Department. For the purposes of this project, the building identified as Pad 1 may be revised from a convenience store to a bank with an administrative amendment.
- o. No vehicular access will be allowed to Colter Street from the site. Development will incorporate low walls or berms along Colter Street to screen parking areas and to physically prevent vehicular access except by emergency vehicles.
- p. Development will incorporate low walls or berms along Colter Street, Dysart Road and Camelback road to screen parking areas.
- q. The applicant shall provide landscaped areas along Dysart Road and Camelback Road as shown on the site plan. Further, landscaping of the site shall include a large triangular-shaped area at the intersection of Dysart Road and Camelback Road as depicted on the site plan. Landscaping shall consist of native and near-native plant species. Landscaping may be combined with drainage/retention areas. All landscaping within the public rights-of-way shall comply with Chapter 9 of the MCDOT Roadway Design Manual.
- r. All building on the site shall be limited to one-story in height.
- s. A six-foot tall solid masonry wall shall be constructed along the eastern property line, with a landscaped area averaging at least 25 feet in width on the interior side of said wall. Landscaping may be combined with drainage/retention areas. Landscaping is to consist of native and near native plant species.

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- t. No septic tanks will be allowed.
- u. A subdivision plat will be required if the site is split into six (6) or more parcels for the purpose of lease or sell.

Joy Rich, Director of Planning and Development, said that this development is already zoned and this action is simply to approve the plan of development for the shopping center.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "u."

- 11. TA2002-001 All Districts**
Applicant: Planning Commission Initiative
Request: Text Amendment to the Maricopa County Zoning Ordinance (M.C.Z.O.) to codify streamlined Administrative Amendment procedures into the M.C.Z.O. and modify the related fee structure. Procedures were originally part of the now-deleted departmental Development Procedures Manual.

COMMISSION ACTION: Commissioner Harris moved to recommend approval of TA2002-001. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 6-0.

Joy Rich, Director of Planning and Development, said this was an administrative approval process for some minor changes to site plans approved as part of a rezoning action. She indicated that these changes have been in use for many years and are now being formally streamlined and it also includes a fee reduction. Charges were from between \$330 and \$1,000 on a sliding scale and this reduction will set the amount to an across-the-board fee of \$250. The proposed amendment is as follows:

Proposed Zoning Ordinance Language: TA2002001

Text Amendment TA2002001 proposes modifying the language of the Maricopa County Zoning Ordinance as follows. New text is CAPITALIZED; deletions are shown with a ~~strike through~~.

SECTION 304. AMENDMENTS

ARTICLE 304.9. ADMINISTRATIVE SITE PLAN AMENDMENTS

- 304.9.1. HOLDERS OF APPROVED SPECIAL USE PERMITS, PLANS OF DEVELOPMENT, AND UNIT PLANS OF DEVELOPMENT MAY APPLY TO AMEND ASSOCIATED SITE PLANS APPROVED BY THE BOARD OF SUPERVISORS.
- 304.9.2. AMENDMENTS TO APPROVED SITE PLANS MAY BE CATEGORIZED AS MAJOR OR MINOR. IN DETERMINING THE STATUS OF PROPOSED AMENDMENTS, THE DEPARTMENT OF PLANNING AND DEVELOPMENT SHALL ADHERE TO THE PROCEDURES AND CRITERIA OF THIS ARTICLE.
- 304.9.3. APPLICATIONS FOR AMENDMENTS TO APPROVED SITE PLANS SHALL INCLUDE THE APPROPRIATE FEE AS DESCRIBED IN THE MARICOPA COUNTY ZONING ORDINANCE AND THE APPROPRIATE SUBMITTAL REQUIREMENTS AS REQUIRED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

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- 304.9.4. MAJOR AMENDMENTS SHALL BE PROCESSED IN THE SAME MANNER AND WITH THE SAME FEE AS A NEW APPLICATION.
- 304.9.5. MINOR AMENDMENTS SHALL BE REVIEWED BY STAFF OF THE PLANNING AND DEVELOPMENT DEPARTMENT AND OTHER COUNTY DEPARTMENTS AS DEEMED NECESSARY, ACCORDING TO STANDARD ADMINISTRATIVE PROCEDURES. STAFF WILL RECOMMEND APPROVAL, APPROVAL SUBJECT TO CONDITIONS, OR DENIAL.
- 304.9.6. AN APPLICANT MAY APPEAL A STAFF DECISION IN WRITING TO THE PLANNING DIRECTOR WITHIN TWO WEEKS OF THE STAFF DECISION. SUCH APPEAL SHALL STATE THE PURPOSE AND SUBJECT OF THE PROPOSED AMENDMENT, THE DATE OF THE STAFF DECISION, AND THE JUSTIFICATION FOR AN ALTERNATE DECISION.
- 304.9.7. MAJOR AMENDMENTS:
1. AN AMENDMENT WILL BE CONSIDERED MAJOR AND NOT SUBJECT TO ADMINISTRATIVE APPROVAL IF THE PROPOSED AMENDMENT INVOLVES ONE OR MORE OF THE FOLLOWING:
 - A. A CHANGE ALTERING ANY CONDITION OR STIPULATION OF APPROVAL;
 - B. AN INCREASE OF MORE THAN TEN (10) PERCENT IN THE FOLLOWING:
 - i. BUILDING SIZE, DIMENSIONS, OR HEIGHT OF ANY PROPOSED OR EXISTING STRUCTURE TO BE RETAINED,
 - ii. THE NUMBER OF PARKING SPACES,
 - iii. THE SIZE OF LANDSCAPED AREAS, OR
 - iv. THE SIZE OR HEIGHT OF APPROVED SIGNS.
 - C. A DECREASE OF MORE THAN TEN (10) PERCENT IN SETBACK;
 - D. A CHANGE IN THE LOCATION OF BUILDINGS, PARKING AREAS, ACCESS DRIVES, RECREATIONAL AMENITIES, EXTERIOR LIGHTING, SIGNS OR FENCING OR LANDSCAPING USED AS BUFFERING/SCREENING, IF SUCH CHANGE WOULD SIGNIFICANTLY AND/OR MATERIALLY INCREASE POTENTIAL ADVERSE IMPACTS ON ADJACENT PROPERTY AS DETERMINED BY THE ZONING INSPECTOR;
 - E. THE REQUEST IS FOR A DIFFERENT TYPE OF LAND USE;
 - F. NON-COMPLIANCE WITH EXISTING ZONING ORDINANCE STANDARDS;
 - G. A WRITTEN OBJECTION BY ~~A REVIEWING AGENCY~~ **THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION, THE MARICOPA**

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**COUNTY FLOOD CONTROL DISTRICT, OR THE MARICOPA COUNTY
DEPARTMENT OF ENVIRONMENTAL SERVICES.**

H. THE REQUEST IS FOUND BY THE ZONING INSPECTOR TO BE A
MAJOR AMENDMENT.

304.9.8. MINOR AMENDMENTS:

1. AN AMENDMENT WILL BE CONSIDERED MINOR IF THE PROPOSED AMENDMENT IS NOT A MAJOR AMENDMENT. IN GENERAL, MINOR AMENDMENTS ARE SMALL ADJUSTMENTS TO THE DETAILS OF A DEVELOPMENT PLAN THAT ALLOW CONTINUED COMPLIANCE WITH AN APPROVED SITE PLAN AND THAT DO NOT SUBSTANTIVELY OR MATERIALLY ALTER THE ORIGINAL CHARACTER AND/OR INTENT OF THE APPROVED SITE PLAN.
2. THE ZONING INSPECTOR SHALL MAKE THE FINAL DETERMINATION OF WHETHER AN AMENDMENT IS A MINOR AMENDMENT.

SECTION 1602. FEES

ARTICLE 1602.1. FEES: ^{*3, *4, *5, *6, *8, *7, ***9, ****10, ****11, **12, *13, *15, *16, *23} The following fees shall be charged for the filing for amendment to this Ordinance or approval of a Plan of Development with no provision for refund:

FEE TYPE	DESCRIPTION	FEE
Administrative SITE PLAN Amendments	MINOR Administrative Amendments TO APPROVED SITE PLANS FOR SPECIAL USE PERMITS, PLANS OF DEVELOPMENT, AND UNIT PLANS OF DEVELOPMENT	30% of Zoning change fee Maximum fee - \$1,000 \$250.00
Determination of Slight Refinements	Slight refinements to approved Special Use Permits, Plans of Development, Unit Plans of Development, and Industrial Plans of Development ^{*22}	\$50

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval of the Text Amendment, as stated above.

MEETING ADJOURNED

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There being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board